

## **REMARKS**

### **Summary of the Office Action**

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Muramatsu (U.S. 2002/00220859) (hereinafter "Muramatsu") in view of Higashi et al. (U.S. Patent No. 5,918,113) (hereinafter "Higashi") and further in view of Saito (U.S. Patent No. 7,060,602) (hereinafter "Saito").

With regard to this rejection, Applicants respectfully submit that Saito should not be considered as prior art in the present application under any subsection of 35 U.S.C. § 102. Acknowledgement of a Claim for Priority and of receipt of a certified copy of the instant application's priority document (Japanese Patent Application No. 2003-333690, which was filed in Japan on September 25, 2003) was made by the Examiner at page 1, section 12 of the Office Action dated January 14, 2008. Pursuant to 37 C.F.R. § 1.55(a), Applicants submit concurrently herewith a verified translation of Japanese Patent Application No. 2003-333690. The effective U.S. filing date under 35 U.S.C. § 102(e) of Saito is March 26, 2004, which is after the priority date to which this application is entitled. Accordingly, Applicants respectfully submit that Saito should not be considered as prior art in the present application under any subsection of 35 U.S.C. § 102. Withdrawal of the rejection under 35 U.S.C. § 103(a) is thus respectfully requested.

## **CONCLUSION**

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after

consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

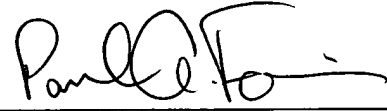
If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0573. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

**DRINKER, BIDDLE & REATH, LLP**

Dated: March 31, 2008

By: \_\_\_\_\_



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CERTIFICATE OF VERIFICATION

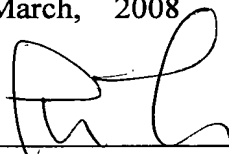
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state that the attached documents are a true and complete  
translation to the best of my knowledge of Japanese Patent  
Application No.2003-333690.

Dated this 27th day of March, 2008

Signature of translator: \_\_\_\_\_

  
Shiro TERASAKI